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2 **REMARKS**

3 In response to the final Office Action mailed on March 21, 2001, Applicant
4 wishes to enter the following remarks for the Examiner's consideration. Applicant has
5 amended claims 1 and 10. Any fees deemed necessary for prosecution of the present
6 application may be charged to Applicants' Deposit Account No. 19-3195. Claims 1-14
7 and 16-25 are currently pending in the Application.
8

9 ***Claim Rejections – 35 USC §112***

10 Claims 1-14 and 16-25 are rejected under 35 U.S.C. 112, second paragraph, as
11 being incomplete for omitting essential steps in so far as the body of claim 1 is not tied
12 to the invention set forth in the preamble. Claims 2-14 and 16-25 depend from claim 1.
13 Applicant believes that the amendment to claim 1 overcomes this rejection of the
14 claims.
15

16 ***Double Patenting***

17 Claims 1-14, 16-25 are provisionally rejected under the judicially created doctrine
18 of obviousness-type double patenting as being unpatentable over claims 1-24 of
19 copending Application No. 09/074,681. Applicant respectfully submits that the
20 amendments to the claims overcome this provisional rejection of the claims over the
21 claims of copending Application No. 09/074,681 and that the claims of the instant
22 application are patentably distinct from those of copending Application No. 09/074,681.
23 The claims of the copending application do not teach saving the custom playlist to a
24 non-volatile memory.
25

26 ***Claim Rejections – 35 USC §103***

27 Claims 1-14 and 16-25 are rejected under 35 U.S.C. 103(a) as being
28 unpatentable over Douma et al. in view of Montoya et al. Applicant respectfully
29 traverses this rejection of the claims.
30

1 Applicant respectfully submits that the Douma and Montoya references, whether
2 considered together or singly, do not teach aspects of the present invention. The
3 Douma reference describes a "remote control" system for multimedia systems.
4 Commonly, remote controls are handheld devices which communicate with multimedia
5 devices via a wireless (infrared) link. Typically, they only work when the user is in the
6 same room as the multimedia device. The Douma reference describes a remote
7 control system in which the handheld device is replaced by a computer and the wireless
8 link is replaced by the Internet. This enables a multimedia device to be controlled
9 remotely from any location. Further, Douma describes an intelligent A/V receiver (10)
10 which allows multiple devices to be connected to the same Internet node. The
11 operation of the Douma system is summarized in his Figure 2. Steps 206, 208, 210,
12 212, 214 all describe a process for sending commands to control a multimedia
13 component.
14

15 In contrast, the present invention is not concerned with remote control of a
16 plurality of A/V devices. All control is performed locally on the A/V device itself, or via a
17 separate remote control. The present invention allows playlist data stored in a non-
18 volatile memory in the A/V device to be updated via a link. Once the memory is
19 updated, the link is no longer required. The control of the A/V device (play, stop,
20 volume, etc) is not performed by the external device. This control is performed via
21 controls on the A/V device itself or through use of a remote control device (page 6 lines
22 10-13 of the specification).
23

24 The remote computer described in the Douma reference may be used to
25 generate a playlist, but the playlist is not transmitted to any of the A/V systems nor is it
26 stored on the A/V device. Douma (col 2 lines 54-61 et seq) describes the transfer of
27 information to an intelligent A/V receiver. However, this information consists of control
28 instructions (commands). No playlist is transferred. Further, the information is only
29 transferred to the intelligent A/V receiver, not to the A/V devices themselves. If the link
30 is broken, the tracks cannot be played, since control of the A/V device is performed

1 remotely. Further, all information will be lost when power is shut-off. The A/V devices
2 do not contain non-volatile memory. In contrast, they contain code to operate control
3 switches (142 in Fig 5).
4

5 The system of Douma requires use of an intelligent A/V receiver, configured as
6 an Internet node. The present invention does not use an intelligent A/V receiver. The
7 A/V device of the present invention needs only to receive or transmit data over a simple
8 link, such as an RS232 link. The A/V device does not act as an Internet node. The
9 method of the present invention avoids the (significant) cost of an intelligent A/V
10 receiver.
11

12 Montoya also describes the generation of a playlist. However, Montoya does not
13 disclose transferring the playlist to a remote A/V device, nor does he disclose storing
14 the playlist in a memory on a remote A/V device. Since neither Montoya nor Douma
15 disclose these steps, even if one were to combine the Douma and Montoya references,
16 the result would not be the claimed invention. The result would also not suggest or in
17 any way render obvious the claimed invention. The specification (page 2, lines 12-22)
18 recognizes that creating a custom playlist on an A/V device is known. However, the
19 inclusion of a graphical user interface into a consumer A/V device, as might be
20 suggested by the Montoya reference is prohibitively expensive, and teaches away from
21 the present invention. The present invention recognizes that an expensive graphical
22 user interface is not required, since the same functionality may be achieved by using a
23 PC, or other external device, which the user might already own. In this way, the
24 benefits of a graphical user interface are achieved without the large additional cost of a
25 built-in graphical user interface.
26

27 Applicant has amended independent claim 1 to better claim these distinctions
28 between the present invention and the Douma and Montoya references, whether
29 considered separately or together. Claims 2-14 and 16-25 depend from claim 1.
30

1 Applicant believes that the foregoing remarks overcome the rejection of the
2 claims over the Douma and Montoya reference, whether considered singly or together.
3 Reconsideration and allowance of these claims are therefore respectfully requested at
4 the Examiner's earliest convenience.

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6 Respectfully submitted,

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CERTIFICATE OF MAILING

37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with adequate postage in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D. C. 20231, on May 10, 2001.

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